

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL TEKLEMARIAM HAGOS,

Plaintiff,

V.

SUZANNE MARIE PARTON, et al.,

Defendants.

CASE NO. C19-1150-RSM

ORDER OF DISMISSAL

This matter comes before the Court on the Report and Recommendation (“R & R”) of the
Honorable Mary A. Theiler, United States Magistrate Judge. Dkt. #36. No objections to the R &
R are filed. For the reasons set forth below, this Court ADOPTS the Report and
Recommendation and DISMISSES this case for failure to prosecute.

I. BACKGROUND

On July 23, 2019, Plaintiff, proceeding pro se, filed this 42 U.S.C. § 1983 action against Defendants Suzanne Parton and Paul Scott. Dkt. #1. The service materials mailed to Defendant Scott at the address provided by Plaintiff were returned as undeliverable, Dkt. #21, and Plaintiff was advised that he would have to provide a new address for Defendant Scott to proceed with this action against that defendant. Dkt. #27. Defendant Parton filed a timely answer to Plaintiff's

1 complaint on November 14, 2019, and this Court issued a scheduling order setting pretrial
2 deadlines the following day. Dkts. #32, #33. On November 22, 2019, the copy of the scheduling
3 order was returned as undeliverable because Plaintiff was no longer in jail. Dkt. #34.

4 On March 11, 2020, Judge Theiler issued an R&R recommending dismissal of this case.
5 Dkt. #36. The R&R explained that over sixty days had passed since mail directed to Plaintiff at
6 his address was returned as undeliverable, and Plaintiff had failed to notify the Court of his current
7 address. *Id.* at 2. Pursuant to this Court's Local Rules, Petitioner was required to file a notice of
8 change of address to keep the Court and opposing parties advised as to his current address. Local
9 Rules W.D. Wash. LCR 41(b)(2). For that reason, Judge Theiler recommended dismissal without
10 prejudice for failure to prosecute pursuant to LCR 41(b)(2).

11 On March 23, 2020, prior to the April 3, 2020 deadline for Objections to the R & R, the
12 Clerk received a phone call from Plaintiff advising of his new mailing address. The Clerk informed
13 Plaintiff that he needed to submit his new mailing address, in writing, in order to update the docket.
14 The Clerk likewise re-sent Dkts. ##16, 27, 31, 33, 36, and a copy of the docket sheet to the mailing
15 address Plaintiff provided telephonically.

16 In an abundance of caution, the Court gave Petitioner an additional twenty-one (21) days
17 from the date of his March 23, 2020 phone call to file the requisite notice of change of address.
18 As of the date of this Order, Plaintiff still has not submitted an updated address to the Court. He
19 likewise has not filed objections to the R&R that were due on April 3, 2020, he has not responded
20 to Defendant's motion for summary judgment, nor has he moved for relief from any of the now-
21 expired deadlines.

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Accordingly, having received no response from Plaintiff, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation, Dkt. #36.

(2) This matter is DISMISSED, without prejudice, for failure to prosecute pursuant to

LCR 41(b)(2);

(3) All pending motions in this action are terminated; and

(4) The Clerk is directed to send copies of this Order to Plaintiff at his last known

address, to counsel for Defendant Parton, and to Judge Theiler.

Dated this 13th day of April, 2020.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE